



LAWS OF ALASKA

1988

Source

SCS CSHB 203(Jud)

Chapter No.

169

AN ACT

Relating to forfeiture of weapons used to commit a crime.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 17, 1988
Actual Effective Date: September 15, 1988

AN ACT

Relating to forfeiture of weapons used to commit a crime.

* Section 1. AS 12.36 is amended by adding new sections to read:

Sec. 12.36.050. REMISSION OF FORFEITED PROPERTY. (a) A claimant seeking remission of, or remittance of the value of, the claimant's interest in a weapon ordered forfeited under AS 12.55.015(a)(9) shall prove to the court by a preponderance of evidence that the claimant

(1) has a valid interest in the weapon, acquired in good faith;

(2) did not knowingly participate in the commission of the crime in which the weapon was used; and

(3) did not know or have reasonable cause to believe that the weapon was used or would be used to commit a crime.

(b) Upon a showing that a claimant is entitled to relief under (a) of this section, the court may order that the weapon be released to the claimant.

(c) A claim may not be filed under this section more than 120 days after the entry of the last final judgment in the case in which the weapon was ordered forfeited.

Sec. 12.36.060. DISPOSAL OF FORFEITED DEADLY WEAPONS. (a) A deadly weapon forfeited under AS 12.55.015(a)(9), unless remitted under AS 12.36.050, shall be disposed of by the commissioner of public

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1 safety under this section. The commissioner of public safety may
2 declare a weapon surplus and transfer it to the commissioner of admin-
3 istration. A weapon suitable for law enforcement purposes, ballistics
4 testing, training, or identification may be retained by the Department
5 of Public Safety or transferred to the municipal law enforcement
6 agency making the arrest that led to the forfeiture. A weapon that is
7 unsafe or unlawful shall be destroyed.

8 (b) The commissioner of public safety may adopt regulations
9 necessary to carry out the provisions of this section.

10 * Sec. 2. AS 12.55.015(a) is amended to read:

11 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in
12 imposing sentence on a defendant convicted of an offense, may singly
13 or in combination

14 (1) impose a fine when authorized by law and as provided in
15 AS 12.55.035;

16 (2) order the defendant to be placed on probation under
17 conditions specified by the court that [WHICH] may include provision
18 for active supervision;

19 (3) impose a definite term of periodic imprisonment;

20 (4) impose a definite term of continuous imprisonment;

21 (5) order the defendant to make restitution under [AS
22 PROVIDED IN] AS 12.55.045;

23 (6) order the defendant to carry out a continuous or peri-
24 odic program of community work under [AS PROVIDED IN] AS 12.55.055;

25 (7) suspend execution of all or a portion of the sentence
26 imposed under [AS PROVIDED IN] AS 12.55.080;

27 (8) suspend imposition of sentence under [AS PROVIDED IN]
28 AS 12.55.085;

29 (9) order the forfeiture to the commissioner of public

1 safety of a deadly weapon that was in the actual possession of or used
2 by the defendant during the commission of an offense described in
3 AS 11.41, AS 11.46, AS 11.56, or AS 11.61.

4 * Sec. 3. AS 12.55.015 is amended by adding a new subsection to read:

5 (f) In this section "deadly weapon" has the meaning given in
6 AS 11.81.900.
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